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16 ALICIA HARRIS, as an individual and
17 on behalf of all others similarly
18 situated, Plaintiff,

19 vs.
20 VECTOR MARKETING
21 CORPORATION, a Pennsylvania
22 corporation; and DOES 1 through 20,
23 inclusive, Defendant.

24 Case No. CV ~~10-3748 GHK (RZx)~~
25 ~~08-5198 EMC~~

26 STIPULATION EXTENDING
27 DEADLINE FOR COMPLETION OF
28 MAILING OF CLASS NOTICE ; ORDER
29 THEREON

30 Plaintiff Alicia Harris ("Plaintiff"), on behalf of herself, individually, and
31 others similarly situated, and Defendant Vector Marketing Corporation.
32 ("Defendant"), hereby stipulate as follows:

33 1. WHEREAS, pursuant to this Court's Order and as agreed by previous
34 stipulation of the parties, the deadline for the mailing of class notice regarding this
35 Court's November 5, 2010 Class Certification Order is February 9, 2011;

36 2. WHEREAS, Defendant opposes dissemination of notice until the
37 Ninth Circuit has disposed of its Petition for Permission to Appeal Pursuant to
38 Fed.R.Civ.P. 23(f);

1 3. WHEREAS, this Court has denied Defendant's motion to stay the
2 litigation pending appeal;

3 4. WHEREAS, on February 3, 2011 Defendant filed an emergency
4 motion with the Ninth Circuit Court of Appeals requesting that the appellate court
5 issue a stay in the district court proceedings, pending resolution of the 23(f)
6 Petition;

7 5. WHEREAS, briefing in the Ninth Circuit on Defendant's emergency
8 motion was completed by both parties on Monday, February 7, 2011;

9 6. WHEREAS, the "motions attorney" for the 9th Circuit Court of
10 Appeals has contacted both parties, and has indicated to counsel that if briefing was
11 completed by February 7, 2011, both the emergency motion to stay and the
12 underlying Rule 23(f) Petition, would be presented to the Ninth Circuit review
13 panel on Monday February 7, 2011 or Tuesday February 8, 2011, and that the panel
14 may rule on the underlying petition as well as the stay at that time; and

15 7. WHEREAS, the deadline to complete the mailing of class notice could
16 be continued by two days, to Friday, February 11, 2011 without otherwise
17 disturbing this Court's scheduling order. By doing so, the printing of the notices
18 could be deferred by the same two days, so as to begin on Wednesday, February 9,
19 2011, thus enabling the parties to have the possibility of having the guidance of the
20 appellate court prior to the printing of the Notices. A mailing deadline on February
21 11, 2011 would still permit the completion of a 30-day opt-out period by March 14,
22 2011, prior to the dispositive motion hearing date of March 16, 2011.

23 **THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiff
24 and Defendant, through their respective counsel of record as follows:

25 The deadline to complete mailing of the class notice shall be continued to
26 Friday, February 11, 2011. The printing of class notice shall commence on
27 Wednesday, February 9, 2011. The opt-out period shall conclude on March 14,
28 2011. The Claims Administrator shall file its declaration, listing all those who elect

1 to opt-out of the class, on March 15, 2011. In addition, in light of the fact that the
2 deadline to opt-out is a “post-mark” limited time frame, and that additional opt-outs
3 may be received following the opt-out deadline, but would only be valid if post-
4 marked by March 14, 2011, the claims administrator shall file a supplemental
5 declaration 2-weeks later, on March 29, 2011, listing any further, but still timely
6 opt-outs that are received following the March 14, 2011 deadline.

7 The Parties have further agreed that in the event that the Ninth Circuit does
8 not Rule on the 23(f) Petition, or otherwise provide final guidance on the pending
9 issues, and no Stay is otherwise imposed, that the Notice will proceed to printing
10 and mailing on the revised dates set forth above, to be completed by February 11,
11 2011.

12 **IT IS SO STIPULATED.**

13
14 DATED: February 8, 2011

15 MARLIN & SALTZMAN
16 DIVERSITY LAW GROUP
17 LAW OFFICES OF SHERRY JUNG

18 By: /S/ Stanley D. Saltzman
19 Stanley D. Saltzman, Esq.
20 Marlin & Saltzman
21 Attorneys for Plaintiff

22 DATED: February 8, 2011

23 REED SMITH LLP

24
25 By: /S/ Roxanne M. Wilson
26 Roxanne M. Wilson, Esq.
27 Attorneys for Defendant

28 **IT IS SO ORDERED.**

DATED: February 8, 2011

